

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

**FILE:** B-215911

**DATE:** December 26, 1984

**MATTER OF:** Timothy W. Dewey - Relocation Expense -  
House-hunting Trip

**DIGEST:**

1. An employee received a permanent change-of-station transfer and made an advance house-hunting trip which was not authorized or approved by his agency. On reclaim, he asserts entitlement on the basis that it was cost beneficial to the government and that determinations of this type may be deferred until after transfer. Under the Federal Travel Regulations, para. 2-4.3(c), prior authorization for a house-hunting trip is required. In the absence of written authorization, prior verbal or other informal approval by competent authority, or administrative error, an employee may not be reimbursed such expenses. Even though the trip allegedly resulted in reduced government costs, the employee may not be reimbursed those expenses. See decisions cited.
2. An employee was transferred to a new duty station but was not authorized an advance house-hunting trip, which was consistent with then-existing agency policy. He claims reimbursement for the trip he performed on the grounds that a second employee was authorized a house-hunting trip under similar circumstances. The second employee was authorized a house-hunting trip under a revised agency policy which permitted advance house-hunting trips, and that does not provide a basis to reimburse the first employee.

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This decision is in response to a request from a Regional Finance Officer, Bureau of Reclamation, Department of the Interior. It involves the entitlement of one of its employees to be reimbursed for a house-hunting trip performed incident to a permanent change-of-station transfer in July 1983. We conclude that the employee may not be reimbursed for the following reasons.

#### FACTS

Mr. Timothy W. Dewey, an employee of the Bureau of Reclamation, Lower Missouri Region, was transferred from Phoenix, Arizona, to Ord, Nebraska. He reported for duty at his new station on July 28, 1983, but in advance of his actual transfer, he and his wife performed a roundtrip to seek permanent quarters during the period June 23-27, 1983.

The Travel Authorization issued to him on June 21, 1983, authorized transfer travel for him and his spouse via privately owned vehicle, transportation of household goods, travel per diem, and temporary quarters subsistence expenses, not to exceed 30 days. An advance roundtrip house-hunting trip was not authorized. On June 22, 1983, agency officials learned about the impending house-hunting trip and immediately notified Mr. Dewey by telephone that the trip was not authorized and that all expenses incurred for the trip would have to be borne by him.

Notwithstanding that notice, Mr. Dewey and his wife made the house-hunting trip, and he later sought reimbursement for those expenses in the amount of \$1,344.84. By memorandum dated April 9, 1984, those expenses were administratively disallowed. This memorandum specifically noted that the noninclusion of a house-hunting trip in his travel authorization was not in error and that he had been so advised before he performed the trip.

By memorandum dated April 19, 1984, Mr. Dewey acknowledges that he was told in advance he would not be reimbursed for a house-hunting trip. He asserts entitlement on the basis that the advance house-hunting trip was beneficial and cost effective to the government. In addition, he states that he proceeded with the house-hunting trip with the intention of later appealing the agency's decision not

to authorize the trip in advance. Finally, he argues that another employee was authorized a house-hunting trip under circumstances similar to his transfer.

DECISION

The laws governing employee reimbursement for travel expenses incurred incident to a transfer of official duty stations are contained in 5 U.S.C. §§ 5724 and 5724a (1982). Those sections, in part, authorize payment for employee travel, the transportation expenses of his immediate family, movement of his household goods, per diem for enroute travel, temporary quarters subsistence expenses and, when authorized, an advance roundtrip to seek permanent quarters at the employee's new duty station. Both of those Code provisions state that all entitlements are to be governed by regulations. The regulations promulgated pursuant to that authority are contained in Chapter 2 of the Federal Travel Regulations, FPMR 101-7 (September 1981) (FTR). Since these regulations are specifically authorized by law, the provisions of the FTR have the force and effect of law and must be complied with. Dominic D. D'Abate, B-210523, October 4, 1983, 63 Comp. Gen. 2. In the absence of terms in the law or the regulations otherwise permitting, the provisions of the FTR may not be modified or their application waived in the individual case by the employing agency or our Office. D'Abate, cited above, and Charles R. Stebbins, B-215263, October, 1, 1984. Therefore, regardless of the circumstances, an employee's right to be reimbursed for relocation expenses is strictly limited to that authorized by statute and the Federal Travel Regulations.

Part 4 of chapter 2 of the FTR, which governs travel to seek residence quarters, provides in para. 2-4.3(c), in part:

"c. Authorization prior to trip. The trip for finding residence quarters shall not be made at Government expense unless a permanent change of station travel order has been issued which includes authorization for the round trip and mode of transportation and period of time allowed for the trip \* \* \*."

In our decision Curtis A. Charter, B-194684, December 10, 1979, we considered a claim for roundtrip house-hunting expenses under circumstances similar to those in the present situation. Citing to a number of decisions of this Office, we ruled in that case that in the absence of advance written authorization, prior verbal or other informal approval by competent authority, or a showing of administrative error, an employee may not be reimbursed for house-hunting expenses. We also ruled in Charter that an after-the-fact comparison indicating reduced costs to the government would not furnish a basis for employee reimbursement. A similar conclusion was reached in Melvin P. Koenig, B-192617, April 20, 1979.

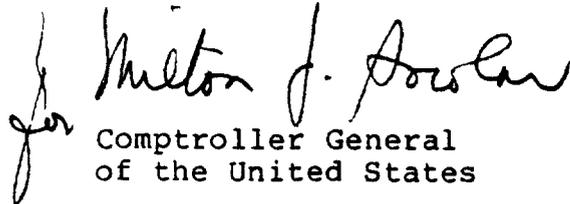
We have been informally advised by agency officials that the policy not to allow advance house-hunting trips to the Ord, Nebraska area had been in effect since the latter part of 1982. That policy was adopted because of the scarcity of housing in the Ord area at that time. As a result, it was administratively determined that advance house-hunting trips were not cost effective since these trips did not materially diminish the number of days employees remained in temporary quarters following transfer to Ord before the employees located permanent housing. Since the decision not to allow Mr. Dewey an advance house-hunting trip was consistent with existing agency policy and since he was specifically informed of his non-entitlement in advance of his trip, it is our view that the decisions in Charter and Koenig are controlling in his case.

Finally, Mr. Dewey claims reimbursement on the grounds that another employee in similar circumstances was authorized a house-hunting trip in connection with a change-of-station transfer. We were informally advised by agency officials that the house-hunting trip policy was changed in July 1983, after Mr. Dewey performed his house-hunting trip. Apparently, officials at the Ord activity were persuaded by higher authority at the Denver Regional Office to change the policy and thereafter permit house-hunting trips, even though the conditions which gave rise to the earlier policy determination had not materially changed.

B-215911

As noted above, Mr. Dewey made his house-hunting trip in June 1983. We were informally advised that the employee referred to by Mr. Dewey was not selected for a position at the Ord activity until mid-July of 1983. This employee's house-hunting trip was authorized under the new policy and was performed in early August 1983. It is our view that this trip, which was authorized after a policy change permitting such a trip, does not serve as a basis to allow reimbursement to Mr. Dewey, since his unauthorized house-hunting trip was performed under the prior policy which did not authorize such a trip.

Accordingly, we hold that Mr. Dewey's claim for reimbursement of his house-hunting trip expenses may not be paid.

  
Comptroller General  
of the United States